

**REMARKS/ARGUMENTS**

This Amendment is responsive to the Office Action mailed on October 4, 2007. In this Amendment, claims 1-6, 8, 11, and 19-20 are amended, and claims 38-40 are added so that claims 1-8, 10-17, 19-26, and 28-40 are pending and subject to examination on the merits.

On December 6, 2007, a telephonic interview was held between the Examiner and the undersigned. The Examiner clarified that the "Central Transaction Server" as used in relation to the Gerdes reference means the Authentication Server as disclosed in Gerdes. The Examiner further requested this response clarify the usage of the term pseudonym. In addition, the Examiner clarified that the omission of a reason for rejection of claims 32 and 33 in the office action was an oversight, and those claims were rejected for the same reasons as claims 1 and 10 respectively. The undersigned thanks the Examiner for her time and her careful consideration of the applicant's arguments.

**I. Claim Objections**

Claims 1-7 are objected to because of the following informalities: recites the intended use phrase "adapted to".

All claims reciting the intended use phrase "adapted to" have been amended to remove the objected to language. Applicant respectfully requests the withdrawal of this objection.

**II. 35 USC 103 - Sunder et al. and Gerdes et al.**

Claims 1-3, 10-12 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2005/0021781 to Sunder et al. ("Sunder") in view of U.S. Publication No. 2003/0046541 to Gerdes et al. ("Gerdes"). This rejection is traversed.

Sunder and Gerdes, alone or in combination, fail to disclose the limitation of a central transaction server that "*initiates a payment request process.*" Regarding claims 1, 10, and 19, the

office action admits Sunder does not teach a central transaction server initiating a payment request. The office action asserts that this limitation is taught in Gerdes, Paragraph 14, which states:

After successful completion of the analysis, the authentication server sends a confirmation of the user identity to the service provider. The confirmation of the user identity confirms the request for confirmation of the user identity issued by the service provider. Based on the received confirmation of the user identity, **the service provider grants service access to the user or can request additional information before granting service access, e.g. a credit card number of the user for services charging costs to the user.**

(emphasis added). The system as disclosed in Gerdes consists of multiple service provider servers interacting with a authentication server in order to confirm the identity of a user. Upon confirmation of the identity of the user, the authorization server sends such confirmation information back to the service provider server. Once the user's identity has been established, there is no further interaction with the authentication server.

As was clarified in the telephonic interview, the office action is referring to the authentication server as disclosed in Gerdes to be the equivalent of the central transaction server of the present application. As is clear from the cited portion of Gerdes, the decision to possibly initiate a payment request is entirely up to the service provider server, without further interaction with the authentication server. Therefore, Gerdes does not disclose a central transaction server (the authentication server) initiating a payment request (this is optionally done by the service provider server).

Sunder discloses a client device communicating with a network access point, the network access point communicating with an authentication server, and the network access point communicating a reply to the client device. (Sunder P[0006-0010]). When this is combined with Gerdes, the network access point would be the equivalent of the service provider server and the authentication server of Sunder and Gerdes would be equivalent. Combined with Gerdes, this would result in the network access point (the service provider server) initiating a charge request. This still fails to disclose a central transaction server (the authentication server in Sunder and Gerdes) initiating a payment request.

Thus, claim 1 should be allowed, because Sunder and Gerdes, alone or in combination, fail to disclose a central transaction server that "*initiates a payment request process.*" Claims 10 and 19 are similar to claim 1, and should be allowed for the same reason. Claims 2, 3, 11, 12, 20, and 21 are allowable by virtue of their dependence from claims 1, 10, and 19 respectively.

**III. 35 USC 103 - Sunder and Gerdes and Golan et al.**

Claims 4-6, 13-15, 22-24 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Gerdes as applied to claims 1, 10 and 19 above, and further in view of U.S. Publication No. 2004/0254848 to Golan et al. ("Golan").

Golan is cited to address limitations in various dependent claims. Golan does not remedy the described deficiencies of Sunder and Gerdes with respect to claims 1, 10, and 19. As such, the above claims are allowable due to their dependence from claims 1, 10 and 19 respectively.

**IV. 35 USC 103 - Sunder and Gerdes and Otto et al.**

Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Gerdes as applied to claims 1, 10 and 19 above, and further in view of US Publication No. 2001/0029496 to Otto et al. ("Otto"). This rejection is traversed.

Sunder, Gerdes, and Otto, alone or in combination, fail to disclose the limitation of "*the authentication request includes a pseudonym corresponding to an electronic commerce card account number and previously created by the central transaction server.*" The office action admits that Sunder and Gerdes do not disclose an authentication request including a pseudonym corresponding to an electronic commerce card account number and previously created by a central transaction server. The office action alleges this feature is taught by Otto.

Otto discloses a system whereby the issuer of a payment card may set up an account that is associated with anonymous identifying information. (Otto, P[0027-0029]). The account may be issued a payment card and account number, such that transactions from this account appear to merchants, etc. to be completely normal transactions. (Id.). The anonymous account behaves for

all purposes like a normal account, and there is no change in merchant processing for these accounts. (Otto, P[0039]).

The office action appears to mischaracterize the use of pseudonym as used in claim 7, 16, and 25. A pseudonym as disclosed in the present application is not an account number, but rather it can be a code or number that can be linked with an account number. (Specification P[0016]). This pseudonym can be used to correlate certain aspects of a transaction. (Specification P[0018]). Further, the pseudonym is not necessarily a permanent entity, it may be set to expire after a certain period of time. (Specification P[0019]). For example, in the system disclosed, the pseudonym can be used to verify that a specific authentication response corresponds to a specific Verify Enrollment Request for a specific transaction. (Specification P[0035]). Because the pseudonyms may expire, if an attempt is made to use a response or request from a previous transaction with a new transaction, the attempt will fail, because the pseudonyms do not match.

This is unlike the system disclosed in Otto. The account number in Otto is a completely valid, static account number, that is associated with anonymous owner data. In fact, an anonymous account number as disclosed in Otto would be processed by the present system in exactly the same manner as any other account number. That is, a transaction would generate various authorization messages and responses, and a pseudonym for the anonymous account number, valid for a period of time, would be generated.

Accordingly, the office action's reliance on Otto is based on a mischaracterization of the term *pseudonym*, and the rejection of the above claims is improper.

## **V. 35 USC 103 - Sunder and Gerdes and Allen**

Claims 8, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Gerdes as applied to claims 1, 10 and 19 above, and further in view of US Publication No. 2003/0168510 to Allen. This rejection is traversed.

The system disclosed in Allen is very similar to that disclosed by Otto in the previous rejection. Both deal with generating valid account numbers that are associated with anonymous

identities. As such, Allen does not disclose a pseudonym, for the same reasons as discussed previously in reference to Otto.

Accordingly, the office action's reliance on Allen is based on a mischaracterization of the term *pseudonym*, and the rejection of the above claims is improper.

## **VI. 35 USC 103 - Sunder and Golan and Allen**

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Golan in view of Allen. This rejection is traversed.

The office action asserts that:

As for creating an altered verifying enrollment response comprising a pseudonym and sending the altered verifying enrollment response to a merchant system, wherein the merchant system subsequently sends an authentication request including the pseudonym to a holder system, combining the **pseudonym concepts taught by Sunder**, the verification of enrollment concepts taught by Golan and the **creation of a pseudonym taught by Allen** (see paragraphs [0002], [0028] & abstract) would result in these steps.

(emphasis added). Although Sunder may disclose an authentication concept, it does not disclose a pseudonym concept. Furthermore, as discussed previously, the concept of a pseudonym is not disclosed in Allen. Because the concept of a pseudonym is not disclosed in any of the references, alone or in combination, the rejection of claim 34 is improper. The rejection of claims 35-37 is also improper due to their dependence from claim 34.

## **VII. Claims 32 and 33**

Claims 32 and 33 were not addressed in the office action. The examiner stated during the telephonic interview that this was an oversight, and that claims 32 and 33 should have been rejected for the same reasons as claims 1 and 10 respectively. Claims 32 and 33 are allowable by virtue of their dependence from claims 1 and 10 respectively (see arguments for claim 1 and 10 above).

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

/Preetam B Pagar /

Preetam B. Pagar  
Reg. No. 57,684

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
PBP:scz  
61221548 v1